

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, JUNE 30, 2022**

JOURNAL OF THE SENATE

Thursday, June 30, 2022.

Met at seven minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the Chair (Ms. Creem) handed the gavel to Mr. O'Connor for the purpose of an introduction. Mr. O'Connor then introduced, in the rear of the Chamber, Anaya Pringle, a student at Weymouth High School. Anaya was recognized for her extraordinary accomplishments in Taekwondo, participating in her first tournament at the age of 7. At the age of 12, she was ranked number one in the nation after winning a gold medal at a 2019 AAU competition. Today at 15, she is a second-degree blackbelt, with 77 gold medals, 24 silver medals, 10 bronze medals and 6 first place trophies. The Senate applauded her accomplishments and she withdrew from the Chamber. She was accompanied by her parents, Paloma and David, and some friends and family members.

Anaya Pringle.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. O'Connor for the purpose of an introduction. Mr. O'Connor then introduced, in the rear of the Chamber, Patrick Geagan, an exceptional young athlete from Weymouth. In February of 2020, Patrick set the world single age record for running a 10-mile road race in Foxborough with a time of just 1 hour, 5 minutes, and 48 seconds. He has since competed in the 2021 USA Track & Field New England Junior Olympic Championships, Region 1 Junior Olympic Championships, and the National Junior Olympic Championships. The Senate applauded his accomplishments and he withdrew from the Chamber. He was accompanied by his parents Christina and Andrew.

Patrick Geagan.

Communications.

The following communications were severally received and placed on file, to wit:

Communication from the Department of Public Utilities (pursuant to Section 1G(g) of Chapter 164 of the General Laws) submitting its 2021 annual report concerning self-generation (received June 29, 2022); and

DPU,-- self-generation report. SD3230

Communication from the Department of Public Health relative to its plans of correction for the MCI Shirley inspection on May 17, 19 and 20, 2022 and Massachusetts Treatment Center inspection on May 25, 2022 (received June 27, 2022).

DPH,-- plans of correction. SD3231

Petition.

Mr. Timilty presented a petition (accompanied by bill, Senate, No. 2972) of Walter F. Timilty, Michael D. Brady, Gerard J. Cassidy and Carol A. Doherty (by vote of the town) for legislation to authorize the select board of Easton to lease certain parcels of land [Local approval received];

Easton,-- land lease.

Referred, under Senate Rule 20, to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

*Reports of Committees.*

By Mr. Feeney, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 656), an Order relative to authorizing the joint committee on Financial Services to make an investigation and study of a certain current Senate document relative to growth opportunities for state financial institutions (Senate, No. 2974); and

Financial Services committee,-- study.

By Mr. Pacheco, for the committee on State Administration and Regulatory Oversight, on petition (accompanied by bill, Senate, No. 2546), an Order relative to authorizing the joint committee on State Administration and Regulatory Oversight to make an investigation and study of a certain current Senate document to promote American manufacturing (Senate, No. 2975);

State Administration and Regulatory Oversight committee,-- study.

**Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Mr. Cyr, for the committee on Mental Health, Substance Use and Recovery, on petition, a Bill relative to harm reduction and racial justice (Senate, No. 1277) [Senator Collins and Representative Tucker of Salem dissenting];

Harm reduction.

**Referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Mr. Cyr, for the committee on Mental Health, Substance Use and Recovery, on petition, a Bill relative to voluntary third-party notification of end of treatment for alcohol and substance use (Senate, No. 1278);

Substance abuse,-- treatment.

**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Cronin, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Boxford to establish the Boxford small repair grants trust (Senate, No. 2935) [Local approval received]; and

Boxford,-- grant program.

By the same Senator, for the same committee, on petition, a Bill relative to changing the term board of selectmen to Select Board in the town of Wilmington (Senate, No. 2936) [Local approval received];

Wilmington,-- select board.

**Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointment by the Minority Leader:

Representative Hannah Kane of Shrewsbury has been appointed to serve as his designee (under Section 2 of Chapter 76 of the Acts of 2022) to the Women’s Rights History Trail Task Force.

Women’s Rights History Trail Task Force.

A communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 14.00 and 15.00, Renewable Energy Portfolio Standard Regulations (RPS) (House, No. 4919),-- **was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.**

DOER,-- Renewable Energy Portfolio Standard Regulations.

Bills

Relative to step therapy and patient safety (House, No. 4929,-- on Senate, No. 756 and House, No. 1311); and

Patient safety.

Relative to pesticides (House, No. 4931,-- on House, No. 3991);

Pesticides.

**Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Ms. Creem in the Chair, a Bill authorizing the conveyance of easements by the city of Fitchburg to the town of Westminster (House, No. 4946,-- on House, No. 4474) [Local approval received on House, No. 4474],-- was read.

Fitchburg,--  
easements.

**There being no objection, the rules were suspended, on motion of Mr. Eldridge, and the bill was read a second time and ordered to a third reading.**

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4956) of William C. Galvin relative to licensure for the use of graduated electronic decelerators to alter behavior of persons with disabilities;

Electronic  
decelerators.

**Under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.**

Petition (accompanied by bill, House, No. 4957) of William C. Galvin relative to tenant agents;

Tenant agents.

**Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 4958) of Dylan A. Fernandes for legislation to authorize the transfer of land granted to the Martha's Vineyard Land Bank Commission in the town of Oak Bluffs to the Massachusetts Department of Transportation;

Martha's Vineyard,--  
land transfer.

**Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4959) of Sally P. Kerans and Joan B. Lovely that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land located within the town of Danvers to said town;

Danvers,-- land  
conveyance.

**Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

Bills

Second reading bills.

Relative to the town of Danvers electric light division (House, No. 3913);

Authorizing the town of Norwood to continue the employment of fire chief David Hayes (House, No. 4287);

Amending the charter of the city of Lynn (House, No. 4623);

Removing the residency requirement for the board of trustees of the Grand Army Building in the city of Lynn (House, No. 4624); and

Removing the residency requirement for members of the traffic commission in the city of Lynn (House, No. 4625);

**Were severally read a second time and ordered to a third reading.**

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The Senate Bill relative to archaic laws (Senate, No. 930),-- was read a second time.

Archaic language.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Rules, substituting a new draft with the same title (Senate, No. 2956), and pending the main question on ordering the bill to a third reading, Ms. Rausch moved to amend the proposed new draft by striking out section 10 and inserting in place thereof the following section:-

1

“SECTION 10. Sections 62 through 69, inclusive, of said chapter 272 are hereby repealed.”

After remarks, the amendment was *rejected*.

Mr. Brownsberger moved to amend the proposed new draft by striking out section 16 and inserting in place thereof the following section:-

2

“SECTION 16. The initial terms of the first appointed members of the law revision commission shall be staggered so that 1 attorney appointed by the speaker of the house of representatives, 1 attorney appointed by the senate president, 1 attorney appointed by the senate minority leader and 1 attorney appointed by the house minority leader, and 2 appointments of the Governor serve terms of 4 years; 1 person appointed by the Massachusetts District Attorneys Association, 1 person appointed by the committee for public counsel services and 2 persons appointed by the Governor shall serve terms of 3 years and 2 appointments from the Governor shall serve terms of 2 years.”

After remarks, the amendment was adopted.

After further remarks, the Rules amendment, as amended, was then adopted.

The bill (Senate, No. 2956, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eight minutes past twelve o'clock noon, on motion of Mr. Brownsberger, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 191**]:

**YEAS.**

- |                          |                       |
|--------------------------|-----------------------|
| Barrett, Michael J.      | Gomez, Adam           |
| Brady, Michael D.        | Hinds, Adam G.        |
| Brownsberger, William N. | Jehlen, Patricia D.   |
| Chandler, Harriette L.   | Keenan, John F.       |
| Chang-Diaz, Sonia        | Kennedy, Edward J.    |
| Collins, Nick            | Lesser, Eric P.       |
| Comerford, Joanne M.     | Lewis, Jason M.       |
| Creem, Cynthia Stone     | Lovely, Joan B.       |
| Crighton, Brendan P.     | Montigny, Mark C.     |
| Cronin, John J.          | Moore, Michael O.     |
| Cyr, Julian              | Moran, Susan L.       |
| DiDomenico, Sal N.       | O'Connor, Patrick M.  |
| DiZoglio, Diana          | Pacheco, Marc R.      |
| Edwards, Lydia           | Rausch, Rebecca L.    |
| Eldridge, James B.       | Rodrigues, Michael J. |
| Fattman, Ryan C.         | Rush, Michael F.      |
| Feeney, Paul R.          | Tarr, Bruce E.        |
| Finegold, Barry R.       | Timilty, Walter F.    |
| Friedman, Cindy F.       | Velis, John C. – 39.  |
| Gobi, Anne M.            |                       |

**NAYS – 0.**

**The yeas and nays having been completed at sixteen minutes past twelve o'clock noon, the bill was passed to be engrossed [For text of Senate bill, printed as amended, see Senate, No. 2979].**

**Sent to the House for concurrence.**

There being no objection, the following matter was taken out of order ~~from the Orders of the Day~~ and considered, as follows:

The Senate Bill enabling pharmacies to prescribe, dispense and administer PrEP (Senate, No. 1407),-- was read a second time.

Pharmacists,-- PrEP.

After remarks, the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2955), was considered; and it was adopted.

**The bill (Senate, No. 2955) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill establishing a Foster Parents' Bill of Rights (Senate, No. 87),-- was read a second time.

Foster parents,-- bill of rights.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2954), and pending the main question on ordering the bill to a third reading, Ms. Chang-Diaz and Mr. Gomez moved to amend the proposed new draft in section 1, by striking out, in line 81, the words "no kin is available" and inserting in place thereof the following words:- "the department demonstrates, to the satisfaction of the court, that it has exercised due diligence in identifying and locating kin of a foster child, has given full and fair consideration to all potential kin and has determined that no kin is able to meet the needs of the foster child".

2

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the proposed new draft in section 1, by inserting after the word "home", in line 50, the following words:- "and a list of legal services that may be available to foster parents".

3

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the proposed new draft by inserting after section \_ the following:-

4

"SECTION\_ . Notwithstanding any general or special law to the contrary the commissioner of the department of children and families who shall be the chair, the secretary of administration and finance, and the director of the office of the child advocate shall study the adequacy and suitability of payments to foster parents including but not limited to examining payments in other states and relevant costs. Said study and recommendations shall be submitted to the clerks of the house and senate and the joint committee on children, families and persons with disabilities no later than 120 days from the passage of this act."

After remarks, the amendment was *rejected*.

**After remarks, the Ways and Means amendment, as amended, was then adopted.**

**The bill (Senate, No. 2954, amended) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

Mr. Brownsberger in the Chair, the Senate Bill relative to accountability for vulnerable children and families (Senate, No. 2953),-- was read a second time.

Vulnerable children,-  
- accountability.

Pending the question on ordering the bill to third reading, Messrs. Fattman and Tarr moved that the bill be amended by inserting after section 20 the following sections:-

2

"SECTION 21. Chapter 71 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting at the end thereof the following section:-

Section 98. (a) As used in this section, the following terms shall, unless the context requires otherwise, have the following meanings:-

'Department', shall mean the department of children and families.

‘Free youth’, mean a child under the care or custody of the department of children and families or a young adult who has signed a voluntary placement agreement with the department of children and families.

‘Electronic backpack’, shall mean an electronic repository of a foster youth’s educational records.

(b) Notwithstanding any general or special law to the contrary, the commissioner of the department, in consultation with the office of the child advocate and the secretary of education, shall develop and implement an electronic backpack program for the educational stability of foster youth.

(b) The department shall create an electronic backpack for each foster youth. The department, in conjunction with the department of education, shall determine the format of the electronic backpack. Each electronic backpack must contain the educational records of the foster youth, including the names and addresses of educational providers, the foster youth’s grade-level performance, and any other educational information that the department requires. The department shall maintain the electronic backpack as part of the department’s records for the foster youth as long as the foster youth remains in foster care.

(c) The department shall make the electronic backpack available to:

- (i) Any person authorized by law to make educational decisions for the foster youth;
- (ii) Any person authorized to consent to medical care for the foster youth; and
- (iii) Any provider of medical care to the foster youth if access to the foster youth’s educational information is necessary for the provision of medical care and is not prohibited by law.

(d) The department shall collaborate with the department of education to develop policies and procedures to ensure that the needs of foster youths are met in every school district.

SECTION 22. The department shall implement the electronic backpack program within one year of the passage of this act.”

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended by inserting after the word “regarding”, in line 127, the following words:- “clothing insecurity,”.

1

After remarks, the amendment was adopted.

Mr. Keenan moved that the bill be amended in section 7, in line 32, by striking the words “and (K)” and inserting in place thereof the following words:- “(K) the number of children and youth who received services from the department related to substance use disorder from the bureau of substance abuse services; and (L)”;

3

By inserting after section \_\_\_\_ the following sections:-

“SECTION X. Section 237 of Chapter 111 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended, in line 4, by inserting after the word ‘opiate’ the following words:- ‘and stimulant’.

SECTION X. Section 237 of Chapter 111, as so appearing, is further amended by striking the words ‘and any office or agency within the executive branch shall provide, upon request from the commissioner, information necessary to conduct the analysis required by this section if the provision of such information is otherwise consistent with federal and state law. The commissioner may request from any office or agency within the judicial branch, and any such office or agency may provide, information necessary to conduct this analysis required by this section if the provision of such information is otherwise consistent with federal and state law’ and inserting in place thereof the following words:- ‘, the division of medical assistance, the executive office of public safety and security, the center for health information and analysis, the office of patient protection, the department of social services, the department of children and families, the department of revenue, the chief justice of the trial court and any office or agency within the executive

and judicial branch shall provide, upon request from the commissioner, information necessary to conduct the analysis required by this section if the provision of such information is otherwise consistent with federal and state law. The information requested may include, but shall not be limited to: data from the prescription drug monitoring program; the all-payer claims database; the criminal offender record information database; income data; and the court activity record information. To the extent feasible, the department shall request data from the Massachusetts Sheriffs Association, Inc. relating to treatment within houses of correction’.”

The amendment was *rejected*.

Messrs. Keenan and Gomez moved that the bill be amended in section 7, by inserting after the word “number”, in line 29, the following words:- “and cause of death”.

4

After remarks, the amendment was adopted.

Mr. Tarr moved that the bill be amended by inserting after section \_ the following sections:-

7

“SECTION \_ . Notwithstanding any general or special laws to the contrary within 9 months of the implementation of this act, the Massachusetts department of children and families shall conduct a comprehensive review of the department’s practices related to individuals with disabilities and develop a policy that promotes the following:

- (1) workforce development and training;
- (2) evidenced-based best practices for effective case management and safety and risk assessment and planning; and
- (3) requirements for case documentation about an individual’s disability.

SECTION \_ . Notwithstanding any general or special laws to the contrary within 6 months of the implementation of this act, the Massachusetts department of children and families shall develop a reunification policy that includes, at a minimum:

- (1) an assessment of safety and risk using a research or analytical based or actuarial tool that is used prior to a child’s return and as a support in DCF’s reunification decision-making.
- (2) area office management administrative case record review prior to any internal case review meeting;
- (3) area office management consultations with the department case management team, educational provider, probation officer, relevant service providers and subject matter experts prior to any internal case review meeting;
- (4) area office management discussions with the caregiver(s) to elicit their input and participation in formulating a reunification transition plan that takes into considerations their strengths and needs; and
- (5) a documented family-centered transition plan that takes into consideration the individual needs of the child and caregiver, outlines the pre- and post-reunification caregiver expectations, and the department oversight and monitoring of the family to ensure child safety.

SECTION \_ . Notwithstanding any general or special laws to the contrary within 6 months of the implementation of this act, the Massachusetts department of children and families shall review its current processes for safety assessment and develop an evidenced-based process for assessing safety that includes at a minimum the following:

- (1) a structured framework for examining the potential safety of a child within a family unit;
- (2) the actions that should be taken because of the safety assessment;
- (3) how the findings will be communicated to the family; and
- (4) how and when safety assessment should be used as a tool for monitoring.

SECTION \_ . Notwithstanding any general or special laws to the contrary within 9 months of the implementation of this act, the Massachusetts department of children and



families shall develop guidance and training for the department's workforce that sets written standards and policies of the following:

- (1) which families are appropriate for virtual home visits;
- (2) when a family previously approved for virtual home visits must be transferred to in-person visitation only;
- (3) how to recognize warning signs and assess safety and well-being of a child during virtual home visits; and
- (4) indicators of child abuse and neglect during virtual home visits.

SECTION \_\_. Notwithstanding any general or special law to the contrary in implementing this act, the Massachusetts department of children and families shall provide its findings in writing and make them accessible to the general public. In addition, the Massachusetts department of children and families shall hold at least 1 hearing open to the public with respect to the sections of this act, as well as engage with the following specialists including but not limited to: Members of the Department of Early and Secondary Education; The Attorney General's office; Members of the Department of Early Education; The office of the child advocate; The office of child services; psychologists with specializations in youth psychology and safety; and educators.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting after section \_\_ the following section:-

5

“SECTION \_\_. Chapter 119 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. (a) It is hereby declared to be the policy of this commonwealth to make paramount the best interests of the child to the extent consistent with federal law by directing its efforts, first, for the care and protection of the children of the Commonwealth of Massachusetts; then to strengthen the family unit if possible and if determined to be in the best interests of the child; to assist and encourage the use by any family of all available resources to this end; and to provide substitute care of children, either through temporary foster care or permanent placement, when the family itself, or the resources available to the family, are unable to provide the necessary care and protection to ensure the rights of any child to sound health and normal physical, mental, spiritual and moral development.

The purpose of this chapter is to ensure that the children of the Commonwealth are protected against the harmful effects resulting from the absence, inability, inadequacy or destructive behavior of parents or parent substitutes, and to assure good substitute parental care in the event of the absence, inability, inadequacy or destructive behavior of parents whether temporary or permanent. The health and safety of the child shall be of paramount concern in establishing the best interests of the child and shall include the long term well-being of the child. In all matters and decisions by the department of children and families, the policy of the department, as applied to children in its care and protection or children who receive its services, shall be to determine the best interests of the child. The department's considerations of appropriate services and placement decisions shall be made in a timely manner in order to facilitate permanency planning for the child.

(b) For the purpose of determining the manifest best interests of the child to the extent consistent with federal law, the department and the court shall consider and evaluate all relevant factors, including, but not limited to:

- 1) Any suitable permanent custody arrangement with a kinship relative of the child, including, but not limited to, grandparents, aunts, uncles, siblings or adult children of the parent;

- (2) The ability and disposition of the parent to provide the child with food, clothing, medical care, or other remedial care, and other material needs of the child;

(3) The capacity of the parent to care for the child to the extent that the child's safety; well-being; and physical, mental, and emotional health will not be endangered upon the child's return home;

(4) The child's ability to form a significant relationship with a parental substitute and the likelihood that the child will enter into a more stable and permanent family relationship as a result of permanent termination of parental rights and duties;

(5) The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(6) The depth of the relationship existing between the child and the present custodian;

(7) The present mental and physical health needs of the child and such future needs of the child to the extent that such future needs can be ascertained based on the present condition of the child;

(8) The love, affection, and other emotional ties existing between the child and the child's parent, siblings, and other relatives, and the degree of harm to the child that would arise from the termination of parental rights and duties;

(9) The likelihood of an older child remaining in long-term foster care upon termination of parental rights due to emotional or behavioral problems or any special needs of the child;

(10) The reasonable preferences and wishes of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference;

(11) The recommendations for the child provided by the child's guardian ad litem or legal representative.

(12) The extent consistent with federal law

The availability of a non-adoptive kinship placement may not receive greater consideration than any other factor weighing on the manifest best interests of the child.

c) A judge may enter an order for the termination of the parent and child relationship when the judge finds from the evidence presented, after giving due consideration to the interests of all parties, that the termination is in the best interests of the child. Notwithstanding the above, all permanency hearings for the termination of parental relationship or reunification with parent shall occur not later than 12 months from the time said child has been removed from the care and custody of said parent. In determining whether it is in the child's best interests that the parent and child relationship be terminated, a judge shall consider each of the following factors:

(1) The child's need for continuity of care and caregivers and for timely integration into a stable and permanent home, taking into account the differences in the development and the concept of time of children of different ages;

(2) The present and projected physical, mental, and emotional health of all individuals involved to the degree that such affects the welfare of the child, the decisive consideration being the physical, mental, and emotional needs of the child;

(3) The quality of the interaction and interrelationship of the child with his or her parent, sibling, relative, or caregivers, including the foster or pre-adoptive parent;

(4) Whether the parent, guardian, or custodian of the child has not taken any action or made any effort to maintain a consistent parental, guardianship, custodial relationship, or contact with the child;

(5) Evidence that excessive alcohol or drug-related activity continues to exist in a child's home environment or is likely to continue to exist in the future after intervention and services have been provided by law; and

(6) To the extent feasible, the child's opinion of his or her own best interests in the matter. In all court and department proceedings that affect the child's past, current and

future placements and status, when determining the best interests of the child, there shall be a presumption of competency that a child who has attained the age of 12 is able to offer statements on the child's own behalf and shall be provided with timely opportunities and access to offer such statements, which shall be considered by the department if the child is capable and willing. In all matters relative to the care and protection of a child, the ability, fitness and capacity of the child shall be considered in all department proceedings.

In the event the court finds compelling evidence, after hearing, that one of the above factors, or a combination of the above factors, exist to the extent they materially affect the best interests of the child, the court shall make a determination to terminate the parental relationship and allow either an open or closed permanent placement of the child forthwith."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting after section \_ the following section:-

8

"SECTION\_ . The department of children and families in consultation with the office of the child advocate and the chief justice of the juvenile court department shall conduct a study on the adequacy, availability, and deficiencies together with costs of recruiting, training, and compensating guardians ad litem appointed pursuant to section 29 1/2 of chapter 119 of the General Laws. In conducting said study, the Massachusetts department of children and families shall hold not less than 1 hearing open to the public. Said study, recommendations, and a plan for addressing any identified deficiencies and inadequacies regarding guardians ad litem identified in said study shall be submitted to the clerks of the house and senate and the joint committee on children, families and persons with disabilities no later than 6 months after the passage of this act."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 7, by inserting after the word "regions", in line 103, the following words:- "and any information technology needs necessary to comply with the goals of the 5-year plan";

9

In said section 7, by striking out, in line 103, the words "March 31" and inserting in place thereof the following words:- "December 1";

In said section 7, by inserting after the word "commonwealth", in line 108, the following words:- "and the state of emergency has been in place for not less than 30 days"; and

In section 20, by striking out, in line 282, the words "March 31, 2023" and inserting in place thereof the following words:- "December 1, 2024".

After remarks, the amendment was adopted.

Ms. Chang-Diaz and Mr. Gomez moved that the bill be amended in section 7, by striking out, in lines 24, 34 and 76, the words " , to the extent feasible,";

10

In said section 7, by inserting after the word "delay.", in line 91, the following sentence:- "If the department determines that the inclusion of any data required in a statutorily-mandated report is not feasible, the department shall identify the reasoning and any needed changes or upgrades to current data collection processes to facilitate the reporting of such data.";

In said section 7, by striking out, in line 134, the words "to the extent feasible,"; and

In said section 7, by striking out, in line 147, the words "Where feasible, reported" and inserting in place thereof the following words:- "Reported".

After remarks, the amendment was adopted.

Messrs. Cyr and Gomez moved that the bill be amended in section 7, by striking out, in line 24, the first time it appears, the word "gender" and inserting in place thereof the following words:- "birth sex";

13

In said section 7, by striking out, in line 34, the first time it appears, the word "gender"

and inserting in place thereof the following words:- “birth sex”;

In said section 7, by striking out, in line 76, the first time it appears, the word “gender” and inserting in place thereof the following words:- “birth sex”; and

In said section 7, by striking out, in line 148, the first time it appears, the word “gender” and inserting in place thereof the following words:- “birth sex”.

After remarks, the amendment was adopted.

Mr. Tarr moved that the bill be amended by striking out lines 185-195; and

14

By striking out sections 9, 12, 13, 18, and 19.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 7, by inserting after subsection (f) the following subsection:-

15

“(g) The Department may satisfy the requirements in subsection (a) pursuant to health, mental health and, disability related metrics in a standalone report. The Department may provide additional narrative on these topic areas where numerical metrics are not available. This report shall follow the filing requirements of subsection (a).”

The amendment was *rejected*.

Ms. Edwards and Mr. Gomez moved that the bill be amended section 7, by striking out, in line 28, the words “number of siblings in placement” and inserting in place thereof the following words:- “rate at which sibling groups are placed together”; and in said section 7, by striking out, in lines 36 and 37, the words “department’s care, including, but not limited to, the number of children in each type of congregate care setting” and inserting in place thereof the following words:- “custody of the department including, but not limited to: (1) the number of children in each type of congregate care setting; (2) the duration of the placement for each child; (3) services provided to children while in placement and the number of children receiving each type of service; (4) services provided to families to promote reunification while the child was in placement and the number of families receiving each type of service; and (5) the number of reports filed pursuant to said section 51A of said chapter 119 in the past fiscal year alleging abuse or neglect of a child occurring during the child’s congregate placement”.

11

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the bill be amended in section 7, by striking out, in lines 175 to 179, inclusive, the words “For fair hearing requests that are pending for more than 180 days at any time during the fiscal year, except for requests that have been stayed at the request of the district attorney, the report shall provide the number of such cases, how many have been heard but not decided and how many have been decided by the hearing officer but not yet issued a final agency decision.”; and

17

In said section 7, by inserting after the word “information.”, in line 164, the following sentence:- “For fair hearing requests that are pending for more than 180 days at any time during the fiscal year, except for requests that have been stayed at the request of the district attorney, the report shall provide the number of such cases, how many have been heard but not decided and how many have been decided by the hearing officer but not yet issued a final agency decision.”

The amendment was adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

*Recess.*

At thirteen minutes past one o’clock P.M, the Chair (Mr. Brownsberger) declared a recess; and, at twenty-one minutes past two o’clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill relative to accountability for vulnerable children and families (Senate, No. 2953),-- was again-further considered.:-

Vulnerable children,-  
- accountability.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-six minutes past two o'clock P.M., on motion of Ms. Lovely, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 192**]:

**YEAS.**

- |                          |                       |
|--------------------------|-----------------------|
| Barrett, Michael J.      | Gomez, Adam           |
| Brady, Michael D.        | Hinds, Adam G.        |
| Brownsberger, William N. | Jehlen, Patricia D.   |
| Chandler, Harriette L.   | Keenan, John F.       |
| Chang-Diaz, Sonia        | Kennedy, Edward J.    |
| Collins, Nick            | Lesser, Eric P.       |
| Comerford, Joanne M.     | Lewis, Jason M.       |
| Creem, Cynthia Stone     | Lovely, Joan B.       |
| Crighton, Brendan P.     | Montigny, Mark C.     |
| Cronin, John J.          | Moore, Michael O.     |
| Cyr, Julian              | Moran, Susan L.       |
| DiDomenico, Sal N.       | O'Connor, Patrick M.  |
| DiZoglio, Diana          | Pacheco, Marc R.      |
| Edwards, Lydia           | Rausch, Rebecca L.    |
| Eldridge, James B.       | Rodrigues, Michael J. |
| Fattman, Ryan C.         | Rush, Michael F.      |
| Feeney, Paul R.          | Tarr, Bruce E.        |
| Finegold, Barry R.       | Timilty, Walter F.    |
| Friedman, Cindy F.       | Velis, John C. – 39.  |
| Gobi, Anne M.            |                       |

**NAYS – 0.**

**The yeas and nays having been completed at twenty-seven minutes before three o'clock P.M., the bill was passed to be engrossed [For text of Senate bill, printed as amended, see Senate, No. 2984].**

**Sent to the House for concurrence.**

The Senate Bill relative to forfeiture reform (Senate, No. 2671),-- was considered, the main question being on ordering the bill to a third reading.

Criminal forfeiture,--  
reform.

The pending motion, previously moved by Mr. Tarr, to lay the matter on the table was considered; and it was *negatived*.

*Recess.*

At one minute before three o'clock P.M, at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Mr. Brownsberger) declared a recess; and, at seventeen minutes past three o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill relative to forfeiture reform (Senate, No. 2671),-- was again

Criminal forfeiture,--  
reform.

considered.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2944), and pending the main question on ordering the bill to a third reading, Mr. Tarr moved that the proposed new draft be amended by inserting in line 54 after "public record" the following:- "and file with the clerks of the house and senate who shall post the report on the website of the general court".

2

The amendment was *rejected*.

Mr. Tarr, Ms. Gobi, Mr. Timilty and Ms. Moran moved that the proposed new draft be amended by inserting in line 60 after the word "purposes" the following:- "(ix) compensating for funding losses to law enforcement agencies and DA offices due to the provisions of this act".

4

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking all after the enacting clause and inserting in place thereof the following:-

6

"SECTION 1. Section 47 of chapter 94C of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) A district attorney or the attorney general may petition the superior court in the name of the commonwealth in the nature of a proceeding in rem to order the forfeiture of a conveyance, real property, money or other things of value exceeding \$250 subject to forfeiture under subparagraphs (3), (5) and (7) of subsection (a). The petition shall be filed in the court having jurisdiction over the conveyance, real property, money or other things of value or having final jurisdiction over any related criminal proceeding brought under any provision of this chapter. In such a proceeding in which the property is claimed by a person other than the commonwealth or a subdivision thereof, the commonwealth or the subdivision shall have the burden of proving to the court by a preponderance of the evidence that the property is forfeitable. The owner of the conveyance or real property, or other person claiming thereunder, shall have the burden of proof as to all exceptions set forth in subsections (c) and (i).

The court shall order the commonwealth to give notice by certified or registered mail to the owner of the conveyance, real property, money or other things of value and to such other persons as appear to have an interest therein and the court shall promptly, but not less than 2 weeks after notice, hold a hearing on the petition. A criminal defendant represented by public counsel in any criminal trial related to the violation of this chapter shall be entitled to continued public counsel representation at the hearing on the petition to order a forfeiture under this section. Upon the motion of the owner of the conveyance, real property, money or other things of value, the court shall continue the hearing on the petition pending the outcome of any criminal trial related to the violation of this chapter. At such hearing, the court shall hear evidence and make conclusions of law and shall thereupon issue a final order from which the parties shall have a right of appeal. In any such proceeding in which a final order results in a forfeiture, the final order shall provide for disposition of the conveyance, real property, money or any other things of value by the commonwealth, or any subdivision thereof, in any manner not prohibited by law, including sale at public auction or a competitive bidding process. The proceeds of any such sale may be used to pay the reasonable expenses of storage, maintenance of custody, advertising and notice and the balance thereof shall be distributed as further provided in this section.

The final order of the court shall provide that forfeited money and the proceeds of any sale under this subsection shall be deposited in the trust fund established in subsection (l). Forfeited property received from another jurisdiction, including the federal government, shall be transferred to the state treasurer, sold by the state treasurer or a designee and

deposited in said trust fund. Proceeds from the sale of forfeited property received from another jurisdiction, including, but not limited to, the federal government, shall be transferred to the state treasurer and deposited in said trust fund.

SECTION 2. Paragraph (2) of subsection (f) of said section 47 of said chapter 94C, as so appearing, is hereby amended by striking out the last sentence.

SECTION 3. Said section 47 of said chapter 94C, as so appearing, is hereby further amended by striking out subsection (k) and inserting in place thereof the following 2 subsections:-

(k) The attorney general, each district attorney and each police department shall file an annual report with the executive office for administration and finance and the senate and house committees on ways and means, and the clerks of the house and senate detailing all assets, money and proceeds from the sale of assets seized pursuant to this section. The report shall provide itemized accounting for all assets, money and proceeds from cash, personal property, conveyances and real property, including any property disposed of by the office of seized property management. The report shall be filed not later than January 31 for the preceding calendar year and shall be a public record and posted on the general court website."

The amendment was *rejected*.

Ms. Rausch, Ms. Edwards and Mr. Tarr moved that the proposed new draft be amended by adding the following section:-

7

“SECTION 4. Said section 47 of said chapter 94C, as so appearing, is hereby further amended by adding the following 2 subsections:-

(m) The executive office of administration and finance shall establish and maintain a case tracking system and searchable public website that includes the following information about any property seized or forfeited under state law: (i) the name of the law enforcement agency that seized the property; (ii) the date of the seizure; (iii) the type and a description of the property seized, including the make, model and year of any motor vehicle; (iv) the location of the seizure; (v) the estimated value of the property seized; (vi) whether the property seized was transferred to federal government; (vii) the crime charged, if any, related to the property that was seized; (viii) the outcome of any charged crime under clause (vii); (ix) the criminal case number, if charged; (x) the forfeiture case number; (xi) the type of forfeiture proceeding; (xii) whether a property owner who files a claim or counterclaim, if applicable, was suspected of committing a crime, an owner who was not suspected of committing a crime, a lienholder or another party or whether there was no such filing by any party; (xiii) whether there was a forfeiture settlement or consent agreement; (xiv) the date of the forfeiture order; (xv) whether the property was returned to the owner, partially returned to the owner, sold, destroyed or retained by a law enforcement agency or is pending disposition; and (xvi) the total value of property forfeited, including currency and proceeds from the sale of property, excluding the value of contraband. Nothing in this subsection shall require the publication of information in violation of any law or regulation relating to criminal offender record information, personally identifiable information, or any other applicable privacy law, or the publication of information that would compromise the identity or location of a confidential informant. If an agency has made no seizures or forfeitures during the previous year, a null report shall be filed by the agency specifying that it did not engage in seizures or forfeitures during the reporting period. The executive office may adopt rules necessary to implement this subsection.

(n) Annually, not later than January 31, the committee on public counsel services, in collaboration with the trial court of the commonwealth, shall submit an annual report to the senate and house committees on ways and means and the joint committee on the judiciary on the provision of public counsel representation under this section, including, but not limited to, the: (i) total number of cases involving public counsel representation

under this section; (ii) number of such cases where the property owner is a criminal defendant represented by public counsel in a related criminal trial; and (iii) number of such cases where the property owner is not a criminal defendant.”.

After remarks, the amendment was adopted.

Ms. Rausch and Ms. Edwards moved that the proposed new draft be amended by inserting before section 1 the following section:-

8

“SECTION A1. Section 24W of chapter 90 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding the following subsection:-

(g) The attorney general, each district attorney and each police department shall file an annual report with the executive office for administration and finance, the senate and house committees on ways and means and the joint committee on the judiciary detailing all assets, money and proceeds from the sale of assets seized pursuant to this section. The report shall provide an itemized accounting for each seizure and forfeiture as required by section 47 of chapter 94C. The report shall be filed not later than January 31 for the preceding calendar year and shall be a public record.”; and

By adding the following section:-

“SECTION 4. Section 56 of chapter 265 of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(k) The attorney general, each district attorney and each police department shall file an annual report with the executive office for administration and finance, the senate and house committees on ways and means and the joint committee on the judiciary detailing all assets, money and proceeds from the sale of assets seized pursuant to this section. The report shall provide an itemized accounting for each seizure and forfeiture as required by section 47 of chapter 94C. The report shall be filed not later than January 31 for the preceding calendar year and shall be a public record.”.

After remarks, the amendment was adopted.

Mr. Cronin, Ms. Gobi and Ms. Moran moved that the proposed new draft be amended in line 55 by striking the phrase “subject to appropriation” and inserting in place thereof the following:- "at the discretion of the district attorney or attorney general, limited to the following purposes, without further appropriation, and shall be distributed equally between the prosecuting district attorney or attorney general and city, town or state police department involved in the seizure".

12

The amendment was *rejected*.

Messrs. Tarr and Fattman moved that the proposed new draft be amended by striking in line 18 through 23 the following:- “A criminal defendant represented by public counsel in any criminal trial related to the violation of this chapter shall be entitled to continued public counsel representation at the hearing on the petition to order a forfeiture under this section. An owner of the conveyance, real property, money or other things of value who is not a criminal defendant shall be entitled to public counsel if the owner satisfies the requirements for indigency under section 2 of chapter 211D.”; and

1

By inserting after section \_ the following new section:-

“SECTION\_ . Notwithstanding any special or general law to the contrary there shall be a special commission to study the appropriate situations where counsel shall be provided on civil matters based on indigency. The commission shall be comprised of the chief justice of the supreme judicial court who shall act as chair, the chief justice of the trial court, and 3 members appointed by the Governor, 1 of whom shall be from a list nominated by the massachusetts bar association, 1 of whom shall be from a list nominated by the committee for public counsel services, and 1 of whom shall be a member of the massachusetts district attorneys’ association.

The commission shall consider the circumstances for which appointed counsel based on indigency is appropriate and warranted in civil matters under the jurisdiction of the



courts of the commonwealth.

The commission shall submit its report together with any legislative recommendations not later than 9 months following the passage of this act.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 10 – nays 29) [Yeas and Nays No. 193]:

**YEAS.**

Brady, Michael D.  
Fattman, Ryan C.  
Finegold, Barry R.  
Gobi, Anne M.  
Moore, Michael O.

O'Connor, Patrick M.  
Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C. – **10.**

**NAYS.**

Barrett, Michael J.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cronin, John J.  
Cyr, Julian  
DiDomenico, Sal N.  
DiZoglio, Diana  
Edwards, Lydia  
Eldridge, James B.  
Feeney, Paul R.

Friedman, Cindy F.  
Gomez, Adam  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moran, Susan L.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F. – **29.**

The yeas and nays having been completed at four minutes before four o'clock P.M., the amendment was *rejected*.

Mr. Keenan, Ms. Gobi, Messrs. Moore, Finegold and Timilty, Ms. Moran, Ms. Comerford, Ms. Rausch, Ms. Edwards, Messrs. Feeney, Crighton, Tarr, Brady, Velis, Collins, Rush and O'Connor, Ms. DiZoglio and Messrs. Fattman and Pacheco moved that the proposed new draft be amended in section 1, in proposed subsection (d) of section 47, by striking out the last paragraph and inserting in place thereof the following 3 paragraphs:-

10

“The final order of the court shall provide that forfeited money and the proceeds of any sale under this subsection shall be distributed equally between the prosecuting district attorney or attorney general and the city, town or state police department involved in the seizure. If more than 1 police department were substantially involved in the seizure, the court having jurisdiction over the forfeiture proceeding shall distribute the 50 per cent equitably among these departments.

There shall be established separate special law enforcement trust funds for each district attorney and for the attorney general within the office of the state treasurer. All such forfeited money and proceeds of sales received by any prosecuting district attorney or attorney general shall be deposited in their trust fund and shall then be expended without further appropriation to: (i) support jail diversion programs; (ii) train prosecutors and law enforcement; (iii) support violence prevention programs; (iv) support substance use disorder prevention, education and treatment programs; (v) defray the costs of protracted

investigations; (vi) provide additional technical equipment or expertise; (vii) provide matching funds to obtain federal grants; or (viii) use for other law enforcement, diversion or crime prevention purposes. Any program seeking to receive funds from a special law enforcement trust fund shall file an annual audit report with the district attorney and attorney general who controls the fund. The audit report shall include, but not be limited to, a listing of the assets, liabilities, itemized expenditures and board of directors of the program. Not later than January 31, each district attorney and the attorney general shall file an annual report with the joint committee on the judiciary and the senate and house committees on ways and means on the use of the money in the trust fund.

All such money and proceeds received by any police department shall be deposited in a special law enforcement trust fund and shall be expended without further appropriation to: (i) support jail diversion programs; (ii) train law enforcement; (iii) support violence prevention programs; (iv) support substance use disorder prevention, education and treatment programs; (v) defray the costs of protracted investigations; (vi) provide additional technical equipment or expertise; (vii) provide matching funds to obtain federal grants; or (viii) use for other law enforcement, diversion or crime prevention purposes as the chief of police of the city or town or the colonel of state police deems appropriate. Not later than January 31, a police department that received such money and proceeds in the previous calendar year shall file a report with the joint committee on the judiciary and the senate and house committees on ways and means detailing the use of the money disbursed from the fund. Such funds shall not be considered a source of revenue to meet the operating needs of such department.”; and

By striking out sections 2 and 3.

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new draft be amended in section 1, by striking out, in line 11, the words “or the subdivision”.

9

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2944, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eight minutes past four o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 31 – nays 9) [**Yeas and Nays No. 194**]:

**YEAS.**

Barrett, Michael J.	Gomez, Adam
Brownsberger, William N.	Hinds, Adam G.
Chandler, Harriette L.	Jehlen, Patricia D.
Chang-Diaz, Sonia	Keenan, John F.
Comerford, Joanne M.	Kennedy, Edward J.
Creem, Cynthia Stone	Lesser, Eric P.
Crighton, Brendan P.	Lewis, Jason M.
Cronin, John J.	Lovely, Joan B.
Cyr, Julian	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
DiZoglio, Diana	Moran, Susan L.
Edwards, Lydia	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Feeney, Paul R.	Rush, Michael F.
Friedman, Cindy F.	Spilka, Karen E. – 31.
Gobi, Anne M.	

NAYS.

Brady, Michael D.  
Collins, Nick  
Fattman, Ryan C.  
Finegold, Barry R.  
O'Connor, Patrick M.

Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C. – 9.

The yeas and nays having been completed at nineteen minutes past four o'clock P.M., the bill was passed to be engrossed [For text of Senate bill, printed as amended, see Senate, No. 2988].

Sent to the House for concurrence.

The Senate Bill relative to judicial supervision to promote child well-being (Senate, No. 2836),-- was considered.

Judicial supervision,-  
- child well-being.

The pending motion, previously moved by Mr. Tarr, to lay the matter on the table was considered; and it was *negatived*.

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2942), and pending the main question on ordering the bill to a third reading, Mr. Tarr moved that the proposed new draft be amended by striking in lines 13-19 the following:- “provided, however, that a child shall be eligible for diversion if the child is charged with an offense under: (A) paragraph (a) of subdivision 2 of said section 24 of chapter 90; (B) subsection (a) of section 13A of chapter 265; (C) the first paragraph of section 13D of said chapter 265; (D) an offense under subsection (a) of section 13M of said chapter 265; (E) an offense under subsection (b) of section 15A of said chapter 265; (F) an offense under subsection (b) of section 15B of said chapter 265; (G) section 13A of chapter 268; or (H) section 13C of said chapter 268”.

7

The question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes before five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 9 – nays 30) [Yeas and Nays No. 195]:

YEAS.

Fattman, Ryan C.  
Finegold, Barry R.  
Gobi, Anne M.  
Moore, Michael O.  
O'Connor, Patrick M.

Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C. – 9.

NAYS.

Barrett, Michael J.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cronin, John J.  
Cyr, Julian  
DiDomenico, Sal N.  
DiZoglio, Diana

Feeney, Paul R.  
Friedman, Cindy F.  
Gomez, Adam  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moran, Susan L.  
Rausch, Rebecca L.

**UNCORRECTED PROOF.**

Edwards, Lydia  
Eldridge, James B.

Rodrigues, Michael J.  
Rush, Michael F. – **30.**

The yeas and nays having been completed at five o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 15 after the number, "90" the following:- "for a first offense only". 2

The amendment was *rejected*.

Messrs. Tarr and Collins moved that the proposed new draft be amended by striking in line 15-16 the following:- "(C) the first paragraph of section 13D of said chapter 265". 3

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking in line 17-18 the following:- "(F) an offense under subsection (b) of section 15B of said chapter 265". 5

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking in line 18 the following:- "(G) section 13A of chapter 268". 6

After remarks, the amendment was *rejected*.

Messrs. Tarr and Fattman moved that the proposed new draft be amended by striking in line 16-17 the following:- "(E) an offense under subsection (b) of section 15A of said chapter 265;". 8

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at six minutes past five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 12 – nays 26) [**Yeas and Nays No. 196**]:

**YEAS.**

Collins, Nick  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Gobi, Anne M.  
Montigny, Mark C.

Moore, Michael O.  
O'Connor, Patrick M.  
Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C. – **12.**

**NAYS.**

Barrett, Michael J.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cronin, John J.  
Cyr, Julian  
DiDomenico, Sal N.  
DiZoglio, Diana  
Edwards, Lydia

Eldridge, James B.  
Friedman, Cindy F.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Moran, Susan L.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F. – **26.**

**ABSENT OR NOT VOTING.**

Gomez, Adam – **1.**

The yeas and nays having been completed at sixteen minutes past five o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 17 after the number "265" the following:- "for a first offense only". 9

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking line 12-19 in its entirety and inserting in place thereof the following:- “(iv) if the child is charged with an offense listed under the second sentence of section 70C of chapter 277; provided, however, that a child shall be eligible for diversion if the child is charged with a first offense under: (A) paragraph (a) of subdivision 2 of said section 24 of chapter 90; (B) subsection (a) of section 13A of chapter 265; (C) the first paragraph of section 13D of said chapter 265; (D) a first offense under subsection (a) of section 13M of said chapter 265; (E) a first offense under subsection (b) of section 15A of said chapter 265; (F) a first offense under subsection (b) of section 15B of said chapter 265; (G) section 13A of chapter 268; or (H) section 13C of said chapter 268”.

10

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes past five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 6 – nays 33) [**Yeas and Nays No. 197**]:

**YEAS.**

Fattman, Ryan C.  
Finegold, Barry R.  
Montigny, Mark C.

O'Connor, Patrick M.  
Pacheco, Marc R.  
Tarr, Bruce E. – **6**.

**NAYS.**

Barrett, Michael J.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cronin, John J.  
Cyr, Julian  
DiDomenico, Sal N.  
DiZoglio, Diana  
Edwards, Lydia  
Eldridge, James B.  
Feeney, Paul R.  
Friedman, Cindy F.

Gobi, Anne M.  
Gomez, Adam  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Moore, Michael O.  
Moran, Susan L.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Timilty, Walter F.  
Velis, John C. – **33**.

The yeas and nays having been completed at twenty-six minutes past five o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting after section\_ the following new section:-

11

“SECTION\_ . For the purposes of this act a child shall be defined as anyone under the age 18.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 19 after the number, “268” the following:- “, provided that a child that provided diversion pursuant to this subsection, the Judge shall make a written finding as to the reasons for placing said child in diversion”.

12

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new draft be amended by striking out, in lines

13

16 and 17, the words “an offense under” each time they appear.

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2942, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-eight minutes before six o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 32 – nays 8) [**Yeas and Nays No. 198**]:

**YEAS.**

- |                          |                                 |
|--------------------------|---------------------------------|
| Barrett, Michael J.      | Gomez, Adam                     |
| Brady, Michael D.        | Hinds, Adam G.                  |
| Brownsberger, William N. | Jehlen, Patricia D.             |
| Chandler, Harriette L.   | Keenan, John F.                 |
| Chang-Diaz, Sonia        | Kennedy, Edward J.              |
| Comerford, Joanne M.     | Lesser, Eric P.                 |
| Creem, Cynthia Stone     | Lewis, Jason M.                 |
| Crichton, Brendan P.     | Lovely, Joan B.                 |
| Cronin, John J.          | Montigny, Mark C.               |
| Cyr, Julian              | Moore, Michael O.               |
| DiDomenico, Sal N.       | Moran, Susan L.                 |
| DiZoglio, Diana          | Rausch, Rebecca L.              |
| Edwards, Lydia           | Rodrigues, Michael J.           |
| Eldridge, James B.       | Rush, Michael F.                |
| Feeney, Paul R.          | Spilka, Karen E.                |
| Friedman, Cindy F.       | Timilty, Walter F. – <b>32.</b> |

**NAYS.**

- |                    |                            |
|--------------------|----------------------------|
| Collins, Nick      | O'Connor, Patrick M.       |
| Fattman, Ryan C.   | Pacheco, Marc R.           |
| Finegold, Barry R. | Tarr, Bruce E.             |
| Gobi, Anne M.      | Velis, John C. – <b>8.</b> |

**The yeas and nays having been completed at twenty minutes before six o'clock P.M., the bill was passed to be engrossed [For text of Senate bill, printed as amended, see Senate, No. 2987].**

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE

*Engrossed Bill—Land Taking for Conservation Etc.*

An engrossed Bill transferring custody and control of Fuller Field in the town of Clinton (see House, No. 2182) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nineteen minutes before six o'clock P.M., as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 199**]:

Clinton,-- land transfer.

**YEAS.**

- |                     |                |
|---------------------|----------------|
| Barrett, Michael J. | Gomez, Adam    |
| Brady, Michael D.   | Hinds, Adam G. |

Brownsberger, William N.  
 Chandler, Harriette L.  
 Chang-Diaz, Sonia  
 Collins, Nick  
 Comerford, Joanne M.  
 Creem, Cynthia Stone  
 Crighton, Brendan P.  
 Cronin, John J.  
 Cyr, Julian  
 DiDomenico, Sal N.  
 DiZoglio, Diana  
 Edwards, Lydia  
 Eldridge, James B.  
 Fattman, Ryan C.  
 Feeney, Paul R.  
 Finegold, Barry R.  
 Friedman, Cindy F.  
 Gobi, Anne M.

Jehlen, Patricia D.  
 Keenan, John F.  
 Kennedy, Edward J.  
 Lesser, Eric P.  
 Lewis, Jason M.  
 Lovely, Joan B.  
 Montigny, Mark C.  
 Moore, Michael O.  
 Moran, Susan L.  
 O'Connor, Patrick M.  
 Pacheco, Marc R.  
 Rausch, Rebecca L.  
 Rodrigues, Michael J.  
 Rush, Michael F.  
 Tarr, Bruce E.  
 Timilty, Walter F.  
 Velis, John C. – 39.

NAYS – 0.

**The yeas and nays having been completed at eleven minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.**

The House Bill financing the general governmental infrastructure of the Commonwealth (House, No. 4807),-- came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2951), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Gregoire of Marlborough, Gonzalez of Springfield and Vieira of Falmouth had been appointed the committee on the part of the House.

**On motion of Mr. Rodrigues, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Brownsberger, Collins and Fattman were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*Report of a Committee.*

By Mr. Rodrigues, for the committee on Ways and Means, that the Senate Bill to expand access to high-quality, affordable early education and care (Senate, No. 2883),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2973).

*Order Adopted.*

Mr. Rodrigues offered the following order, to wit:

*Ordered,* That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to expand access to high-quality, affordable early education and care (Senate, No. 2883), to be reported by the committee on Ways and Means with a recommended new draft with the same title (Senate, No. 2973), shall be placed in the Orders of the Day for a second reading on Thursday, July 7, 2022.

All amendments shall be filed electronically in the office of the Clerk of the Senate

General bond.

Early education and care,-- access.

Procedural order.

**UNCORRECTED PROOF.**

by 3:00 P.M, on Tuesday, July 5, 2022. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2973), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

**The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, July 7, 2022, for a second reading with the amendment pending.**

*Order Adopted.*

On motion of Mr. Tarr--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of the same Senator, at two minutes before six o'clock P.M., the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.